

INTEROFFICE MEMORANDUM

To: Air Toxics Stakeholders Group **Date:** 30 April 2003

From: Barbara Morin, Supervising Environmental Scientist
Office of Air Resources

Subject: Draft Regulation No. 22 and Remaining Issues

At the April 24th meeting of the stakeholders group, the group identified a few remaining issues with the draft regulation. These issues and the status of DEM's response to those issues are as follows:

- ◆ Paul Daggett commented that a reference to averaging times should be included in the definition for "Acceptable Ambient Level." A phrase was added to that definition in the latest draft of the regulation in response to this comment.
- ◆ Members of the group had previously recommended that the applicability of the regulation to fuel burners be based on emissions rather than on the end use of the energy produced by the combustion. In the proposal, fuel burners were exempted unless they burn fuel to produce electricity. In response to that comment, the draft amendments presented at the April 24th meeting exempts fuel burners unless they are major sources of air pollutants from fuel burning. At the meeting, Paul Daggett commented that this change would result in some facilities (major source fuel burners that burn fuel solely to produce heat) losing their current exempt status. DEM agreed to look into this issue further to determine how many facilities would be affected by the change what effect inclusion in the regulation would have on those facilities.

DEM has since determined that approximately ten oil-burning sources that are currently exempt from the regulation would lose their exemptions if the language was changed as drafted. Of these, all but one also can burn natural gas, and so would have the option to keep their fuel-burning emissions below the major source threshold by limiting their oil consumption. The remaining source, Bradford Dyeing, does not have this option. DEM plans to model the boiler emissions from Bradford Dyeing and an additional source in this category that has shorter stacks to evaluate impacts from these sources and to determine what effect including them in the regulation may have on facilities of this type.

- ◆ Glenn Almquist pointed out that, although sections 22.3.3 and 22.5.3 of Regulation No. 22 state that compliance with AALs is required at and beyond the property line of a facility, DEM has at times looked at impacts on a facility's property when the public has unrestricted access to that property. In response to that comment, DEM has added paragraphs 22.3.4(c) and 22.5.4(c) which allow DEM to require compliance with one-hour and 24-hour average AALs on areas of a facility's property to which public access is unrestricted. By adding this section, DEM's intention is to make the regulation consistent with its present policy; DEM has in the past evaluated impacts on the property of facilities like hospitals that allow extensive public access. DEM does not intend to implement procedures like in the PSD program, which requires that impact analyses include all of a facility's property to which access is not precluded by physical barriers. Instead, the RI air toxics program only wants the ability to include areas where extensive public access is likely. DEM invites comment on this draft language.
- ◆ Paul Daggett said that he would supply suggested additional language for draft section 22.4.3 dealing with mixtures that do not have MSDS sheets.
- ◆ Barbara Morin mentioned that Cynthia Fuller from ESS has promised to provide a suggested procedure for ensuring that the AALs for mercury, PCBs and dioxins adequately consider the persistent bioaccumulating properties of those substances. Cynthia has since contacted DEM to say that she is working on this issue. Barbara also mentioned that she is looking at the phytotoxicity (plant damage) issues associated with hydrogen fluoride to determine whether the human health-based AALs for that pollutant are adequately protective for that effect.

The following documents are being sent with this memo:

1. The latest draft of Regulation No. 22 and
2. An updated list of the draft changes in Regulation No. 22 between the original proposal and the present draft.

Please get back to Barbara Morin at bmorin@dem.state.ri.us or 222-4700, ext. 7012 with comments and suggestions.